

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

In Re:

DAVID C. MARCHESE,

Debtor.

CHAPTER 7

BANKRUPTCY NO. 16-13810 - ELF

GARY F. SEITZ, TRUSTEE,

Plaintiff,

v.

**JAMES McCAULEY t/a McCAULEY
ASSOCIATES LIMITED PARTNERSHIP,
GERALD MULLANEY and
HOPWOOD FARM, LLC,**

Defendants.

ADVERSARY NO. 17-189-ELF

**PRETRIAL DISCLOSURES OF DEFENDANTS, PURSUANT TO FEDERAL
RULE OF BANKRUPTCY PROCEDURE 7026 AND
FEDERAL RULE OF CIVIL PROCEDURE 26(a)(3)**

Pursuant to Federal Rule of Bankruptcy Procedure 7026 and Federal Rule of Civil Procedure 26(a)(3), Defendants, James McCauley (“McCauley”), McCauley Associates Limited Partnership (“MALP”), Gerald Mullaney (“Mullaney”) and Hopwood Farm, LLC (“Hopwood” and together with McCauley, MALP and Mullaney, the “Defendants”), by their counsel, Weir & Partners LLP, hereby provide the following pretrial disclosures:

A. Defendants expect to present the following individuals at trial:

1. Gerald Mullaney
3881 Skippack Pike
Collegeville, PA 19426
(610) 365-7701

2. Paul Newlin
67 Longacre Drive
Collegeville, PA 19426
(610) 585-4889
3. James McCauley
1 Center Avenue
Collegeville, PA 19426
(610) 416-9501

Defendants may call the following if the need arises:

4. John T. Dooley, Esquire
1800 Pennbrook Parkway, Suite 200
Lansdale, PA 19446
(215) 362-2474
5. David Marchese
Contact information unknown
6. Gary F. Seitz, Esquire
8 Penn Center
1628 John F. Kennedy Boulevard
Suite 1901
Philadelphia, Pennsylvania 19103
7. Holly Smith, Esquire
8 Penn Center
1628 John F. Kennedy Boulevard
Suite 1901
Philadelphia, Pennsylvania 19103

Defendants reserve the right to supplement this witness list prior to trial. Defendants also reserve the right to call any person listed as a witness by Plaintiff or to call any witness based upon fact or opinion for the purpose of impeachment or in rebuttal. In addition, Defendants may call a duly authorized representative for the purpose of authentication of documents in the event a stipulation of the same cannot be reached by the parties.

B. Designation of those witnesses whose testimony is expected to be presented by means of a deposition:

None.

C. Documents or other exhibits Plaintiff expects to offer into evidence at trial:

1. The Pleadings filed in this Adversary Proceeding by all parties, including the Amended Adversary Complaint and the Defendants Answer and Affirmative Defenses to the Amended Complaint.
2. All Discovery requests and responses/objections and supplemental or amended responses of all parties, including interrogatory, document requests and request for admissions.
3. Deposition transcripts of depositions taken in this Adversary Proceeding
4. Tax Returns for Hopwood Farms LLC for 2006 - 2016
5. Pleadings filed by parties in *McCauley Associates, LP v. Hopwood Farm, LLC*, Montgomery County CCP, 2012-24034 (Mortgage Foreclosure Case), including, but not limited to, Complaint, Acceptance of Service, Entry of Appearance, Answer and New Matter, Reply to New Matter, Motion to Withdraw)
6. Writ of Execution issued by Prothonotary to Sheriff in connection with Mortgage Foreclosure Case
7. Docket in Mortgage Foreclosure Case.
8. Email from McCauley to Marchese dated September 19, 2011 – D456.
9. Email from Marchese to McCauley dated September 20, 2011; D539.
10. Emails between and among Southard, McCauley, Newlin and/or Marchese of various dates relating to efforts to resolve debt issues, including, but not limited to those dated July 15, 2011 (D664), May 3, 2011, April 29, 2011, April 19, 2011 and April 7, 2011; D829-D871; D876-D877.
11. Agreement of Limited Partnership for McCauley Associates.
12. Box and Documents from Marchese delivered to Mullaney.

13. Subpoena to Gregory Philips and documents produced by Philips in response to Subpoena.
14. McCauley Associates Transactions by Account and copies of checks—D118-D135.
15. Copies of checks evidencing contributions and/or loans to Hopwood by members.
16. Letter August 15, 2011 from American Acquisition to David Marchese.
17. McCauley Notes D139-146.
18. Documents bates stamped D147-D209; D225-D226; D358-D361; D371-D373; D404; D495-D496; D507-D512; D515-D521; D540-D543; D554-D559 relating to financing efforts
19. Hopwood Operating Agreement.
20. Docket and entries related to confessed judgment case filed by MALP against Debtor.
21. Docket and entries in connection with JDM Estate and JCM Estate, including proceeding by which Debtor's rights in and to Hopwood or its assets were addressed.
22. Mullaney Resignation D449-D450.
23. Email and attachment D451-D454.
24. Emails with Univest D457-D464; D497-D506.
25. Emails between Members of Hopwood D548-D551
26. Emails with Mike Southard D612-D614
27. Draft Transfer Agreement D634-D639
28. August 15, 2011 Letter D660-D663

29. Loan Sale and Loan Documents D721-D731; D738-D751; D756-D762; D770-D825; D899-D925; D931-D972

30. Documents in box from Marchese evidencing source of payment of capital contribution to Hopwood Farm, LLC

31. All documents filed in *In Re David C. Marchese*, 16-13810 relating to the Stipulation by and between the Debtor's Estate and the JDM Decedent's Estate.

32. Pretrial disclosures of Plaintiff.

Defendants reserve the right to supplement this exhibit list prior to trial. Defendants reserve the right to use any documents in rebuttal or for impeachment and to use any documents identified by Plaintiff.

WEIR & PARTNERS LLP

By: /s/ Jeffrey S. Cianciulli
Jeffrey S. Cianciulli
The Widener Building, Suite 500
1339 Chestnut Street
Philadelphia, Pa 19107
(215)665-8181
(215)665-8464 (fax)
Counsel for Defendants

Dated: December 20, 2018

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CERTIFICATE OF SERVICE

I, Jeffrey S. Cianciulli, hereby certify that I did cause a copy of the Pretrial Disclosures of Defendants, Pursuant to Federal Rule of Bankruptcy Procedure 7026 and Federal Rule of Civil Procedure 26(a)(3) to be filed and served electronically on December 20, 2018 and may be viewed and/or downloaded through the ECF system maintained by the Clerk of the United States Bankruptcy Court for the Eastern District of Pennsylvania. The following counsel, representing the Plaintiff, will receive electronic service and notification:

Robert J. Birch, Esquire
808 Bethlehem Pike, Suite 200
Colmar, PA 18915
Attorney for Plaintiff

WEIR & PARTNERS LLP

Dated: December 20, 2018

BY: /s/ Jeffrey S. Cianciulli
Jeffrey S. Cianciulli
The Widener Building, Suite 500
1339 Chestnut Street
Philadelphia, PA 19107
215-665-8181
Counsel for Defendants